IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.2000 OF 2003
IN
SUIT NO.2105 OF 2003

Sahadeo G. Tambe & Ors. ....Plaintiffs
V/s.
Smt.Mirabai B. Abkari & Anr. ....Defendants

Mr.D.C. Pathak for the Plaintiffs.
Mr.Denzil i/b Mr.H.T. Pawar for Defendant No.2.

CORAM : S.J. VAZIFDAR, J.
DATED : 17TH NOVEMBER, 2005.

P.C. :

1. The suit is filed for administration of the estate of the parents of the original Plaintiff and Defendant. The original Plaintiff and the Defendant are sisters. The original Plaintiff having expired, by an order of this Court, her heirs namely her husband and children have been brought on record. There is no affidavit in reply. The averments are therefore accepted. In any event there is nothing that militates against them. The Plaintiffs and the Defendants ultimately have a 1/3rd share in the estate of their parents.

2. In the circumstances, the Notice of Motion is made absolute in terms of prayer (b) except the words

bracketed in red namely "dealing with or". It is clarified that this injunction shall be pending hearing and final disposal of the suit and not of the Notice of Motion. Through inadvertence in prayer (b), it is mentioned "pending hearing and final disposal of the Notice of Motion."